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Alfred Thomas

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EXAMINER

CHERIYAN JR, THOMAS K

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/591,379	Applicant(s) THOMAS, ALFRED	
	Examiner THOMAS K. CHERIYAN JR	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/1/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hedrick et al (**US 6575541 B1**) in view of Davids (**US 4517558 A**) and Shafrir et al (**US 4514920 A**).

Regarding claim 1, Hedrick discloses a gaming device comprising:

a gaming control unit (**Hedrick, Figure 1**);

a media control unit (**Hedrick, Figure 1**);

a secondary display device having a mask over an LCD display for masking selected portions of the LCD display to modify the appearance of pixels on the LCD display (**Figure 3**).

Even though the mask used by Hedrick is translucent and to some degree modifies the appearance of pixels on an LCD display, Davids discloses actually changing the appearance of pixels on an LCD display **(Davids, Abstract)**.

The motivation for combining the teachings of Davids with Hedrick is because both employ using a film, mask, or substrate over a game display except Davids takes it a step further by changing the appearance of the LCD display.

Therefore, it would be obvious to anyone skilled in the art of gaming at the time of the invention to combine the teachings of Davids with Hedrick so that you can achieve the effect of changing the appearance of pixels on an LCD display because it would create a unique effect for a player.

Regarding claim 2, Hedrick and Davids disclose the mask comprises a stencil of round dots.

Hedrick and Davids do not disclose the use of stencils on a mask, however, Shafrir does **(Shafrir, Column 2, Lines 6-31 teaches the use of a silk screen to be placed over an LCD to achieve a stencil effect.)**.

The motivation for combining the teachings of Shafrir with Hedrick and Davids is because Shafrir teaches the ability of creating patterns, logos, etc. on a film which can be placed over an LCD such as the way Hedrick and Davids invention discloses. It would then be obvious to print something such as round dots on a silk screen that would in essence be imposed over an LCD screen.

Therefore, it would be obvious to anyone skilled in the art of gaming at the time of the invention to combine the teachings of Shafrir with Hedrick and Davids because

you can now create a film, mask, or substrate to be placed over a screen that now has patterns or a stencil on the film, mask, or substrate that would create an effect on the display for a user.

Regarding claim 3, Hedrick, Davids, and Shafrir disclose the mask is registered with the LCD to align the round dots corresponding pixels on the LCD display **(Obvious. The mask cannot be “registered” with the LCD, but can be attached to the LCD by means of the teachings as taught by Hedrick and Davids.)**.

Regarding claim 4, Hedrick, Davids, and Shafrir disclose the dots modify the appearance of the pixels on the LCD display such that they are perceived as round **(Obvious in view of Shafrir. Shafrir teaches the ability to print anything such as dots on a film that can be attached to a display. Therefore, it would be obvious that you can print dots on a film or mask that would modify the appearance of pixels on the LCD display such that they are perceived as round.)**.

Regarding claim 5, Hedrick, Davids, and Shafrir disclose the mask further comprises a stencil of segments **(Obvious in view of Shafrir. Shafrir teaches the ability to print anything such as dots on a film that can be attached to a display. Therefore, it would be obvious that you can print dots on a film or mask that would modify the appearance of pixels on the LCD display such that they are perceived as round.)**.

Regarding claim 6, Hedrick, Davids, and Shafrir disclose the segments are arranged in seven segments units for display of numbers **(Obvious in view of Shafrir. Shafrir teaches the ability to print anything such as dots on a film that can be**

attached to a display. Therefore, it would be obvious that you can print dots on a film or mask that would modify the appearance of pixels on the LCD display such that they are perceived as round.).

Regarding claim 7, Hedrick, Davids, and Shafrir disclose the gaming device comprises a video slot machine **(Hedrick, Figure 1).**

Regarding claim 8, Hedrick, Davids, and Shafrir disclose a gaming device comprising:

a primary display unit for presenting a player with video representation of play of a game **(Hedrick, Figure 1);**

a secondary display comprising:

a LCD for displaying content via pixels **(Obvious. LCD's inherently produce images on a display by use of pixels.).**

a mask having a stencil for passing selected portions of the pixels **(Obvious in view of Shafrir. Shafrir teaches the ability to print anything such as dots on a film that can be attached to a display. Therefore, it would be obvious that you can print dots on a film or mask that would modify the appearance of pixels on the LCD display such that they are perceived as round.); and**

a transparent protective layer over the mask **(Obvious)**

Regarding claim 9, the stencil comprises a matrix of dots aligned with the pixels to provide a low-tech appearance **(Obvious in view of Shafrir. Shafrir teaches the ability to print anything such as dots on a film that can be attached to a display.).**

Regarding claim 10, Hedrick, Davids, and Shafrir disclose the dots are round, and the pixels are square **(Obvious in view of Shafrir. Shafrir teaches the ability to print anything such as dots on a film that can be attached to a display. Therefore, it would be obvious that you can print dots on a film or mask that would modify the appearance of pixels on the LCD display such that they are perceived as round.)**.

Regarding claim 11, Hedrick, Davids, and Shafrir disclose the stencil changes the shape of square pixels into large round dots **(Obvious in view of Shafrir. Shafrir teaches the ability to print anything such as dots on a film that can be attached to a display. Therefore, it would be obvious that you can print dots on a film or mask that would modify the appearance of pixels on the LCD display such that they are perceived as round.)**.

Regarding claim 12, Hedrick, Davids, and Shafrir disclose a gaming device comprising:

- a primary display unit for presenting a player with images representative of play of a game **(Hedrick, Figure 1)**; and

- a secondary display, comprising:

- a LCD display for displaying content via pixels **(Obvious. LCD's inherently produce images on a display by use of pixels.)**;

- a mask coupled to the LCD having a stencil for passing selected portions of the pixels **(Obvious in view of Shafrir. Shafrir teaches the ability to print anything such as dots on a film that can be attached to a display. Therefore, it would be**

obvious that you can print dots on a film or mask that would modify the appearance of pixels on the LCD display such that they are perceived as round.);
and

a transparent protective layer coupled over the mask such that selected portions of the pixels are visible through the mask and transparent layer to provide a low tech appearance of the content **(Obvious)**.

Regarding claim 13, Hedrick, Davids, and Shafrir disclose the mask comprises a matrix of round dots that smooth edges of the pixels **(Obvious in view of Shafrir. Shafrir teaches the ability to print anything such as dots on a film that can be attached to a display. Therefore, it would be obvious that you can print dots on a film or mask that would modify the appearance of pixels on the LCD display such that they are perceived as round.)**.

Regarding claim 14, Hedrick, Davids, and Shafrir disclose the mask comprises matrices of different size round dots and comprises segments for forming numbers **(Obvious in view of Shafrir. Shafrir teaches the ability to print anything such as dots on a film that can be attached to a display. Therefore, it would be obvious that you can print dots on a film or mask that would modify the appearance of pixels on the LCD display such that they are perceived as round.)**.

Regarding claim 15, Hedrick, Davids, and Shafrir disclose a gaming device comprising:

a gaming control unit **(Hedrick, Figure 1)**;

means for controlling media **(Hedrick, Figure 1)**;

an LCD display controlled by the means for controlling media (**Heddrick, Figure 1**); and

means for masking the LCD display to modify the appearance of pixels on the LCD display (**Obvious in view of Shafrir. Shafrir teaches the ability to print anything such as dots on a film that can be attached to a display. Therefore, it would be obvious that you can print dots on a film or mask that would modify the appearance of pixels on the LCD display such that they are perceived as round.**).

Regarding claim 16, Hedrick, Davids, and Shafrir disclose a method comprising:
providing content to a LCD display for a secondary display of a gaming device
(**Heddrick, Figure 1, Abstract**);

representing the content on the LCD in square pixels (**Obvious**);

masking the square pixels to smooth edges of the pixels to provide a low- tech appearance to a viewer with an appearance of increased resolution (**Obvious in view of Shafrir. Shafrir teaches the ability to print anything such as dots on a film that can be attached to a display. Therefore, it would be obvious that you can print dots on a film or mask that would modify the appearance of pixels on the LCD display such that they are perceived as round.**).

Regarding claim 17, Hedrick, Davids, and Shafrir disclose the masking is provided by a stencil of large round openings in a mask (**Obvious in view of Shafrir. Shafrir teaches the ability to print anything such as dots on a film that can be attached to a display. Therefore, it would be obvious that you can print dots on a**

film or mask that would modify the appearance of pixels on the LCD display such that they are perceived as round.).

Regarding claim 18, Hedrick, Davids, and Shafrir disclose further comprising masking the square pixels to provide seven segment characters **(Obvious in view of Shafrir. Shafrir teaches the ability to print anything such as dots on a film that can be attached to a display. Therefore, it would be obvious that you can print dots on a film or mask that would modify the appearance of pixels on the LCD display such that they are perceived as round.).**

Regarding claim 19, Hedrick, Davids, and Shafrir disclose the masking is provided by a stencil having a matrix of large round openings in a mask, and a matrix of smaller round openings **(Obvious in view of Shafrir. Shafrir teaches the ability to print anything such as dots on a film that can be attached to a display. Therefore, it would be obvious that you can print dots on a film or mask that would modify the appearance of pixels on the LCD display such that they are perceived as round.).**

Regarding claim 20, Hedrick, Davids, and Shafrir disclose the masking is further provided by a stencil having segments to provide an appearance of a seven segment LED display **(Obvious in view of Shafrir. Shafrir teaches the ability to print anything such as dots on a film that can be attached to a display. Therefore, it would be obvious that you can print dots on a film or mask that would modify the appearance of pixels on the LCD display such that they are perceived as round.).**

Regarding claim 21, Hedrick, Davids, and Shafrir disclose a method comprising: placing a mask on a display to modify the appearance of pixels being displayed on the display **(Obvious in view of Hedrick and Davids)**; and

aligning the mask such that selected stencils on the mask line up with corresponding graphics being displayed on the display to provide a low- tech appearance to a viewer with an appearance of increased resolution **(Obvious in view of Davids and Shafrir)**.

Regarding claims 22, Hedrick, Davids, and Shafrir disclose a seven segment stencil of the mask is aligned with alphanumeric characters being displayed on the display **(Obvious in view of Davids and Shafrir. Its obvious in view of Davids that some kind of alignment is needed between the display and the mask to create a visual effect. Applying the techniques as taught by Shafrir onto the mask, it becomes even highly obvious to align the mask with the stencils on the mask to align content on the display of the LCD with the mask.)**.

Regarding claims 23, Hedrick, Davids, and Shafrir disclose a dot matrix stencil of the mask is aligned with a graphic image of a scene being displayed on the display **(Obvious in view of Davids and Shafrir. Its obvious in view of Davids that some kind of alignment is needed between the display and the mask to create a visual effect. Applying the techniques as taught by Shafrir onto the mask, it becomes even highly obvious to align the mask with the stencils on the mask to align content on the display of the LCD with the mask.)**.

Regarding claims 24, Hedrick, Davids, and Shafrir disclose the mask covers only a portion of the display and is aligned with selected graphics being displayed on the display **(Obvious in view of Davids and Shafrir. Its obvious in view of Davids that some kind of alignment is needed between the display and the mask to create a visual effect. Applying the techniques as taught by Shafrir onto the mask, it becomes even highly obvious to align the mask with the stencils on the mask to align content on the display of the LCD with the mask.)**.

Regarding claim 25, Hedrick, Davids, and Shafrir disclose fixing the mask to a top of the surface of the display **(Obvious in view of Hedrick and Davids)**.

Regarding claim 26, Hedrick, Davids, and Shafrir disclose is fixed with pressure sensitive adhesive **(Highly obvious)**.

Regarding claim 27, Hedrick, Davids, and Shafrir disclose the mask is fixed with static electricity **(Highly obvious)**.

Regarding claim 28, Hedrick, Davids, and Shafrir disclose selectively filtering light transmitted through the display through the mask **(Obvious. Davids mask filters light through the mask to create a visual effect.)**.

Regarding claim 29, Hedrick, Davids, and Shafrir disclose the graphics being displayed are provided by a flash card **(Obvious. The game system as disclosed by Hedrick inherently has memory from which the game software is being loaded from and would be obvious that the game would be stored on something like a flash card.)**.

Regarding claim 30, Hedrick, Davids, and Shafrir disclose a mask comprising:

a substrate formed to attach to a display (**Hedrick, Abstract, teaches the mask can be a substrate that can attach to a display.**);

a matrix of dots in the substrate that allow light to pass through the dots, wherein the dots are formed on the substrate in a position to smooth edges of display pixels to provide a low- tech appearance to a viewer with an appearance of increased resolution (**Obvious in view of Davids, Abstract which teaches the ability of light passing through a mask on a display that changes what is being displayed.**).

Regarding claim 31, Hedrick, Davids, and Shafrir disclose the substrate is formed of a flexible material (**Obvious. Substates such as a type of plastic film are naturally flexible or solid.**).

Regarding claim 32, Hedrick, Davids, and Shafrir disclose further comprising a filter (**Obvious in view of Davids which teaches the mask acts with certain respect as a filter.**).

Regarding claims 33-35, refer to arguments made in claim 19.

Regarding claims 36, Hedrick, Davids, and Shafrir disclose a mask comprising:

a substrate formed to attach to a display (**Hedrick and Davids, Abstract**);

a matrix of dots in the substrate that allow light to pass through the dots, wherein the dots are formed on the substrate in a position to smooth edges of display pixels to provide a low- tech appearance to a viewer with an appearance of increased resolution (**Obvious in view of Shafrir. Shafrir teaches the ability to print anything such as dots on a film that can be attached to a display. Therefore, it would be obvious**

that you can print dots on a film or mask that would modify the appearance of pixels on the LCD display such that they are perceived as round.);

a plurality of seven-segment character stencils in the substrate in a position corresponding to characters to be displayed on the display (**Obvious in view of Shafrir. Shafrir teaches the ability to print anything such as dots on a film that can be attached to a display. Therefore, it would be obvious that you can print dots on a film or mask that would modify the appearance of pixels on the LCD display such that they are perceived as round.);** and

a filter supported by the substrate to filter light through the seven-segment character stencils (**Obvious in view of Davids which teaches the mask acts with certain respect as a filter.).**

Regarding claims 37 and 38, refer to arguments in claim 19 and 32 respectively.

Regarding claims 39, refer to arguments in claim 36.

Regarding claim 40, refer to arguments in claim 19.

Regarding claim 41, Hedrick, Davids, and Shafrir disclose a mask comprising:

a substrate formed to attach to a display having pixels (**Obvious in view of Hedrick and Davids);** and

a stencil in the substrate that allows light to pass through the substrate, wherein portions of the stencil are colored to provide pseudo-electroluminescent graphics when lit by pixels of the display (**Obvious in view of Shafrir. Shafrir teaches the ability to print anything such as dots on a film that can be attached to a display. Therefore, it would be obvious that you can print dots on a film or mask that would modify**

the appearance of pixels on the LCD display such that they are perceived as round. Hedrick and Adams do not disclose specifically what the substrate could be made of, but would be obvious that it can contain pseudo-electroluminescent graphics when lit by pixels of the display.).

Regarding claims 42 and 43, refer to arguments in claim 19.

Regarding claims 44, 45, 46, refer to arguments in claim 19 and 32.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas K. Cheriyan whose telephone number is 571-270-3225. The examiner can normally be reached on Mon-Fri 7:30AM-5:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3714

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robert E Pezzuto/

Supervisory Patent Examiner, Art Unit 3714